IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5601 OF 2005.

Maharashtra State Co-operative
Marketing Federation Limited. ... Petitioner.

V/s.

Ramakant Kashinath Doke. ... Respondent.

H.H.Madan i/b. Mrs.P.A.Nimbalkar
for the petitioner.

V.V.Purvant for the respondent.

CORAM: V.C.DAGA, J.

DATED: 29th November 2005.

P.C.:

. Heard learned counsel for the petitioner.

Perused petition and documents annexed.

2. Having examined both orders i.e. order passed by the Labour Court, Solapur in complaint and the order passed by the Industrial Court in the revision application, the view taken by the Courts below is a prima facie view based on prima facie material produced on record. It is reasonable and possible view. By no stretch of imagination it can be said to be a perverse view. This Court not being a court of appeal cannot substitute its own view unless it finds that the impugned order is a perverse order.

3. The complaint is yet to be tried on merits. In that view of the matter, taking advantage of the prima facie finding recorded against the petitioner, if the petitioner desires to lead their independent evidence to prove their case, it would be open to the petitioner to encash the said opportunity, if so advised.

4. Petition is dismissed in limine with no order as to costs.

(V.C.DAGA, J.)